

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

THOMAS FINLEY,

Petitioner,

vs.

JAMES CROSS,

Respondent.

Case No. 11-cv-1069-DRH

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Before the Court is Thomas Finley's ("petitioner") writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Doc. 1). Petitioner, currently incarcerated in the Forrest City Federal Correctional Institute ("FCI") in Forrest City, Arkansas, which is located in the Eastern District of Arkansas was convicted and sentenced in the Eastern District of Missouri. See *United States v. Finley*, 175 F.3d 645 (8th Cir. 1999). Petitioner filed this action, claiming actual innocence, while he was imprisoned in the FCI in Greenville, Illinois, which is located in this district.

Without commenting on the merits of petitioner's claims, the Court concludes that the petition survives preliminary review under Rule 4 and Rule 1(b)

of the Rules Governing Section 2254 Cases in United States District Courts.¹

IT IS HEREBY ORDERED that respondent shall answer or otherwise plead within thirty days of the date this order is entered. This preliminary order to respond does not, of course, preclude the government from raising any objection or defense it may wish to present. Service upon the United States Attorney for the Southern District of Illinois, 750 Missouri Avenue, East St. Louis, Illinois, shall constitute sufficient service. Accordingly, petitioner's motion for the court to, *instanter*, order respondent to respond (Doc. 5) is denied as moot.

IT IS FURTHER ORDERED that pursuant to Local Rule 72.1(a)(2), this cause is referred to a United States Magistrate Judge for further pre-trial proceedings.

IT IS FURTHER ORDERED that this entire matter be **REFERRED** to a United States Magistrate Judge for disposition, as contemplated by Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties consent to such a referral*.

Petitioner is **ADVISED** of his continuing obligation to keep the Clerk (and each opposing party) informed of any change in his whereabouts during the pendency of this action. This notification shall be done in writing and not later

¹ Rule 1(b) of those Rules gives this Court the authority to apply the rules to other habeas corpus cases.

than seven (7) days after a transfer or other change in address occurs. Failure to provide such notice may result in dismissal of this action. See FED. R. CIV.P. 41(b).

IT IS SO ORDERED.

Signed this 13th day of August, 2012. *David R. Herndon*



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David R. Herndon
Date: 2012.08.13
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**Chief Judge
United States District Court**